

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM

THURSDAY, THE 11TH DAY OF APRIL 2024 / 22ND CHAITHRA, 1946

OP(KAT) NO. 8 OF 2024

OA NO.675 OF 2023 OF KERALA ADMINISTRATIVE TRIBUNAL,
THIRUVANANTHAPURAM

PETITIONER/S:

BINU GEORGE,
AGED 45 YEARS
S/O GEORGE,
MOTOR VEHICLE INSPECTOR,
ENFORCEMENT SQUAD,
KOLLAM.
RESIDING AT BINU BHAVAN,
CHEMMAKKAD P.O
PERINADU VILLAGE, KOLLAM, PIN - 691601
BY ADVS.
SUNNY ZACHARIAH
ANJANA R.S.

RESPONDENT/S:

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO
GOVERNMENT TRANSPORT DEPARTMENT,
SECRETARIAT THIRUVANANTHAPURAM.,
PIN - 695001
- 2 TRANSPORT COMMISSIONER,
KERALA TRANSPORT COMMISSIONERATE, TRANS TOWER,
VAZHUTHAKKADU, THIRUVANANTHAPURAM.,
PIN - 695014
- 3 JOINT TRANSPORT COMMISSIONER (ENFORCEMENT),
IN -CHARGE, KERALA TRANSPORT COMMISSIONERATE,
TRANS TOWER, VAZHUTHAKKADU,
THIRUVANANTHAPURAM.,
PIN - 695014
- 4 REGIONAL TRANSPORT OFFICER,
OFFICE OF THE RTO, CIVIL STATION,
PALAKKADU., PIN - 678002

5 HARIKUMAR.T,
MOTOR VEHICLE INSPECTOR, UAZHAVOOR SRTO,
THERUVATH BUILDING, UZAHVOOR,
KOTTAYAM, NOW WORKING AS MOTOR VEHICLE INSPECTOR,
SRTO CHITTUR, PALAKKADU, PIN - 678102
BY SMT.VINITHA B., SR.GOVERNMENT PLEADER

THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP
FOR ADMISSION ON 11.04.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

J U D G M E N T

A.Muhamed Mustaque, J.

The petitioner, while working as the Motor Vehicle Inspector in the Regional office at Palakkad, was transferred to the Enforcement wing of RTO Pathanamthitta. According to the petitioner, this is a punitive transfer. However, based on the direction on the last occasion, the learned Government Pleader submitted that there is vacancy in RTO office, Chittoor, Palakkad. The petitioner is satisfied with the transfer to the RTO office, Chittoor in Palakkad.

2. In view of the above, we direct the respondents to post the petitioner to Sub RTO office, Chittoor, Palakkad within two weeks. However, the petitioner's request to transfer to Kollam in a vacancy arise in September shall be considered. The petitioner shall make a request in this regard within one month.

Leaving open all other contentions, this original petition is disposed of as above with the above directions.

However, there are allegations against the petitioner, if those allegations are proposed to be part of his ACR, it shall not be entered without hearing him. We make it clear that those allegations as of now will not be categorised as a stigma against him unless it so concluded in disciplinary proceedings.

Sd/-
A.MUHAMED MUSTAQUE
JUDGE

Sd/-
M.A.ABDUL HAKHIM
JUDGE

rkj

APPENDIX OF OP(KAT) 8/2024

PETITIONER ANNEXURES

Annexure A1	ORDER ISSUED BY THE 2ND RESPONDENT BEARING NO A4/26/2022/TC DATED 27/03/2023
Annexure A2	THE TRUE COPY OF THE ORDER OF THIS HON'BLE TRIBUNAL IN OA 1974/2016 DATED 18.10.2016
Annexure A3	THE TRUE COPY OF THE ORDER OF THIS HON'BLE TRIBUNAL IN OA 928/2018 DATED 20.06.2018
Annexure A4	THE TRUE COPY OF THE GOVERNMENT ORDER BEARING GO(MS) NO.1/2019/TRANSPORT DATED THIRUVANANTHAURAM,04.01.2019
Annexure A5	THE TRUE COPY OF THE ORDER OF THIS HON'BLE TRIBUNAL IN OA NO.1573/2021 DATED 13.12.2021
Annexure A6	THE TRUE COPY OF THE FORM CFRA WITH RESPECT TO THE VEHICLE BEARING REGN.NO.KL-26-B5353, WITH DEFECTS NOTED DOWN BY THE APPLICANT HEREIN, DATED 24.11.2022
AnnexureA7	THE TRUE COPY OF THE APPLICATION BEFORE THE REGIONAL TRANSPORT OFFICER, PALAKKAD, TO TRANSFER THE VEHICLE BEARING REGN.NO.KL-26-B-5353 TO PALAKKAD JURISDICTION, DATED 23.11.2022
Annexure A8	THE TRUE COPY OF THE PHOTOGRAPHS (8 NUMBERS) OF THE VEHICLE BEARING REGN.NO.KL-26-B-5353 DATED NIL
Annexure A9	THE TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT AND FORWARDED BY THE 4TH RESPONDENT, TO THE APPLICANT HEREIN, BEARING NO.E3/244/2022 -TC PART(1) DATED 03.12.2022
Annexure A10	THE TRUE COPY OF THE EXPLANATION TO ANNEXURE A9 NOTICE SUBMITTED BEFORE THE 4TH RESPONDENT, BY THE APPLICANT HEREIN DENYING THE ALLEGATIONS, DATED 14.12.2022
Annexure A11	THE TRUE COPY OF THE EXPLANATION OF AMVI, BEFORE THE 2ND RESPONDENT THROUGH THE 4TH RESPONDENT, DATED 16.12.2022

Exhibit P1 THE TRUE COPY OF THE OA 675/ 2023 DATED 02.05.2023 FILED BY THE PETITIONER BEFORE THE ADMINISTRATIVE TRIBUNAL THIRUVANATHAPURAM BENCH

Exhibit P1(a) THE TRUE COPY OF THE REPLY STATEMENT FILED ON BEHALF OF THE 2ND RESPONDENT IN OA 675/ 2023 DATED 03.07.2023

Exhibit P-2 THE CERTIFIED COPY OF THE ORDER DATED 15.09.2023 PASSED BY THE TRIBUNAL DISMISSING OA 675/ 2023

RESPONDENT ANNEXURES

Annexure R2(a) A true copy of Letter No. E3/244/2022-TC-Part (1) dated 03.12.2022